

GOVERNMENT OF TELANGANA
ABSTRACT

Public Services -CA,F&CS Dept., -Allegation of irregularities in dropping a registered case in respect of M/s. Friends Filling Station, IOC Dealer, Film Nagar, Jubilee Hills, Hyderabad - Departmental Proceedings instituted against Sri U. Vimal Babu, Regional Deputy Controller, HQ, Hyderabad, under Rule-20 of the Telangana Civil Services (Classification, Control and Appeal) Rules'1991 – Articles of charges - Issued.

CONSUMER AFFAIRS, FOODS & CIVIL SUPPLIES (CS.II) DEPARTMENT

G.O.Rt.No. 11

Dated: 18-02-2021

Read:

ORDER:

It is proposed to hold an enquiry against Sri U. Vimal Babu, Regional Deputy Controller, HQ, Hyderabad, in accordance with the procedure laid down in Rule 20 of the Telangana Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The statement of articles of charges and statement of imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed (Annexure-I & II). A list of documents by which and a list of witnesses by whom, the articles of charges proposed to be sustained are also enclosed (Annexure III & IV).
3. Sri U. Vimal Babu, Regional Deputy Controller, HQ, Hyderabad, is directed to submit his written Statement of defense, within 10 days from the date of receipt of this order.
4. Sri U. Vimal Babu, Regional Deputy Controller, HQ, Hyderabad, is informed that an inquiry will be held only in respect of the those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.
5. Sri U. Vimal Babu, Regional Deputy Controller, HQ, Hyderabad, is further informed that if he does not submit his written statement of defense on or before the date specified in para-3 above, further will be processed based on the material available.
6. Attention of Sri U. Vimal Babu, Regional Deputy Controller, HQ, Hyderabad, is invited to Rule 24 of the Telangana Civil Services (conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters.

(P.T.O)

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pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that Sri U. Vimal Babu, Regional Deputy Controller, HQ, Hyderabad, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Telangana Civil Service (Conduct) Rules, 1964.

7. The Controller of Legal Metrology, Telangana, Hyderabad is directed to make available the documents related to the case, for perusal to the above said Sri U. Vimal Babu, Regional Deputy Controller, HQ, Hyderabad, if he chooses so, on his written representation, within the stipulated time.

8. The receipt of the G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

V. ANIL KUMAR
Ex. OFFICIO SECRETARY TO GOVERNMENT

To

Sri U. Vimal Babu, Regional Deputy Controller, HQ, Hyderabad,
through the CLM, TS, Hyd.

The Controller of Legal Metrology, Telangana, Hyderabad.

Copy to:

The General Administration (V&E) Department, Telangana, Hyderabad.
(W.r.t. V.R.No. 109 (C.No.1482/V&E/D1/2019),dated.20-8-2020)
SC

// FORWARDED BY ORDER //

SECTION OFFICER (FAC)

ANNEXURE - I

Statement of articles of charge framed against Sri U. Vimal Babu, Regional Dy. Controller, HQ, O/o the CLM, TS, Hyd.

Charge.No.I:

"That Sri U. Vimal Babu, Regional Deputy Controller, HQ, Hyderabad, though he is not competent authority as per rules, he has irregularly dropped the case No.54/W&M/2019-20, dated 29.06.2019 registered against M/s Friends Filling Station, Hyderabad for violation of provisions of the Legal Metrology Act'2009 and he has acted in deviation to the circular instructions issued by the CLM, vide Cir Memo No 6950/T1/2011-5, dt.10-5-2011 r/w 2937/11/96, dt.23.9.1996. Thereby he has failed to discharge his legitimate duties and contravened Rule (3) of T.C.S. (Conduct) Rules 1964.

Thus the Charge".

Charge.No.II:

"That Sri U. Vimal Babu, Regional Deputy Controller, HQ, Hyderabad, along with Smt. Srivalli DLMO, Hyderabad, Hqrs-VII have visited the said petrol pump on 02.07.2019, rechecked the deliveries and found excess quantities of 20 ml & 25 ml and allowed Smt. Srivalli DLMO, for calibration of the said Nozzle with the support of Sri Ramesh, the then GVR Technician, but in the absence of Indian Oil Corporation Limited representative and issued verification certificate vide Lr. no 052280 dated. 2.7.2019, which is irregular. Subsequently, he has issued orders vide proceedings No. 606/DC(P)/2019 Dated.02.07.2019 by dropping the case no 54/W&M/2019-20, dated 29.06.2019, irregularly.

That, Sri U. Vimal Babu, Regional Deputy Controller, HQ, Hyderabad by his above mentioned acts he has exhibited lack of integrity, devotion and dedication to his legitimate duties and thereby contravened Rule 3 of TCS (Conduct) Rules 1964.

Thus the Charge".

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ANNEXURE - II

Statement of imputations in support of the articles of charges framed against
Sri U.VimalBabu Regional Deputy Controller, Legal Metrology, Head quarters,
Hyderabad

Basis of charge:-

Charge No.I:-

The V&E officials have conducted detailed enquiry on the petition dt.16.9.2019, filed by Sri Bhasker Reddy, Asst. Controller, Legal Metrology, Hyderabad city on the following allegations, and submitted vigilance Report No.109 (C.No.1482/V&E/D1/2019), dated.20-8-2020:

Allegations:

- (1) Sri U.Vimal Babu, Regional Deputy Controller, Legal Metrology, Hyderabad by taking gratification from M/s. Friends Filling Station, IOC Dealer, Film Nagar, Jubilee Hills, Hyderabad, issued favourable orders to the petrol pump by dropping the case No. 54/W86M/2019-20, Dtd.29.06.2019.
- (2) M/s. Friends Filling Station, IOC Dealer, Film Nagar, Jubilee Hills, Hyderabad petrol pump got repaired by Sri Ramesh GVR technician, who is an unauthorized person for recalibration of Nozzle after registered a case.
- (3) The recalibration of petrol pump was not brought to the notice of Indian Oil Corporation who is authorized to undertake any repairing of the Nozzle of the pump.

V&E Findings:

1. As per Circular Memo. 6950/TI /2011-5 Dated.10.05.2011 the Controller, Legal Metrology is the Competent Authority to dispose any offences booked for violation of the provisions of the Legal Metrology Act, 2009, wherein the Assistant Controllers of the Legal Metrology and Regional Deputy Controller of Legal Metrology are empowered to compound the offences. Whereas, Sri Vimal Babu, Regional Deputy Controller of Legal Metrology has not forwarded the appeal petition of M/s Friends Filling Station, IOC Dealer, Filmnagar, Near Jubilee Hills, Hyderabad and dropped the registered case in his limits only which is irregular. Hence the allegation No. 1 is substantiated.
2. Due to insufficient number of competent technicians to take up repairing work country wide, the Controller, Legal Metrology permitted OEM (Original Equipment Manufacturer) to employ their personnel to obtain skill worker certificate to enable them to take up repairing work.

Accordingly, Sri Ramesh GVR Technician, got repaired the Nozzle of the petrol pump of M/s. Friends Filling Station. The Controller, Legal Metrology, Telangana State Hyderabad has informed vide Lr. No. 458/V/2020 Dated. 09.07.2020 that the manufacturer can be do conduct repairs to their products in any state without any license in other states. Hence the allegation No. 2 is not substantiated.

3. On an appeal petition filed by M /s Friends Filling Station, Sri U. Vimal Babu, RDC and Smt. Srivalli DLMO, Hyderabad, Hqrs-VII have visited the petrol pump on. 02.07.2019, rechecked the deliveries and found excess quantities of 20 ml & 25 ml . Smt. Srivalli DLMO, calibrated the said Nozzle with the support of Sri Ramesh, the then GVR Technician in the presence of Sri U. Vimal Babu, RDC but in the absence of Indian Oil Corporation Limited representative and then issued verification certificate vide Lr. no 052280 dated. 02.07.2019, which is irregular. Subsequently, Regional Deputy Controller(Hqrs), Legal Metrology has issued orders vide proceedings No. 606/DC(P)/2019 Dated.02.07.2019 for dropping the action against case no 54/W&M/2019-20, dated 29.06.2019. This is irregular. Hence the allegation No.3 is substantiated.

The V&E department in their report have stated that the V&E officials have obtained the versions / statements of concerned Legal Metrology officials including the Sri U. Vimal babu; technician and Manager of Petrol pump and also obtained replies on certain points from the Deputy General Manager, IOCL, SD road, secunderabad and the Controller of Legal Metrology vide their letters dt:5.3.2020 and 28.6.2020, respectively.

Further, the V&E officials have found that the version of Sri. U.Vimalbabu, Regional Deputy Controller, Legal Metrology Hqrs, Hyderabad submitted on 15.7.2020 is not convincing, as per 50 (1)(d) of the LM Act-2009, the trader has to appeal against the decision of the inspector / DLMO by remitting an amount of Rs.200/- in the form of DD or court fee stamps for disposal of appeal to the Controller of Legal Metrology in - terms of rule 26(2) of the L.M. (ENf) Rules-2011. But, Sri U. Vimal babu, RDC, Head quarters, Hyd, he himself taken up an enquiry without forwarding the appeal petition of M/s Friends Filling Station, IOC Dealer, Filmnagar, Near Jubilee Hills, Hyderabad and without obtaining the orders / consent from the Controller, Legal Metrology, Hyderabad and dropped the registered case in his limits only.

From the above and also further information obtained in the matter from the Controller of Legal Metrology, TS, Hyderabad, vide Lr.No.458/V/2020, dt.28.11.2020, it is construed that Sri U.VimalBabu , Regional Deputy Controller, Legal Metrology, Hqrs, Hyderabad has not followed the provisions of the Legal Metrology Act-2009 as a senior Officer

and violated the Cir . Memo No. 6950/T1/201-5 and 2937/T1/96, date.23-9-1996 issued by the Controller, Legal Metrology, Hyderabad.

His above action clearly indicates that negligence in implementation of Act & Rules and also violation of instructions of Head of the department which is un becoming of a Govt. servant and also amounts to grave misconduct which is clear violation under Rule 3 of TSCS (Conduct) Rules, 1964 punishable under (CC&A) Rules.

Hence, the charge.

Charge No.II:-

In continuation to the facts mentioned above, further to inform that the District Legal Metrology Officer, Hqrs-VII, Hyderabad registered a case No.54/WM/2019 under the supervision of Sri. R.G.Bhasker Reddy, Assistant Controller, Legal Metrology, Hyderabad City on 29-6-2019 for violation of Section 8/25 & 30 of Legal Metrology Act-2009 against M/s Friends Filling Station, Hyderabad for causing short delivery of 35m1 for 5 L standard measure which is beyond the permissible error under Law in nozzle No.B1 of GVR make dispensing Pump No. 15010431 under cover of panchanama.

The V& E officials in their enquiry found that on an appeal petition filed by M /s Friends Filling Station, Sri U. Vimal Babu, RDC and Smt. Srivalli DLMO, Hyderabad, Hqrs-VII have visited the petrol pump on. 02.07.2019, rechecked the deliveries and found excess quantities of 20 ml & 25 ml . Smt. Srivalli DLMO, calibrated the said Nozzle with the support of Sri Ramesh, the then GVR Technician in the presence of Sri U. Vimal Babu, RDC but in the absence of Indian Oil Corporation Limited representative and then issued verification certificate vide Lr. no 052280 dated.2.7.2019, which is irregular.

Further the IOCL authorities Hyderabad also informed that they have no information about the calibration of the pump M/s Friends Filling Station, Hyderabad which appears that Sri. U. VimalBabu RDC,LM, has not informed the IOCL authorities . He also failed to inform the Assistant Controller,LM, Hyderabad City who is the prime witness and not taken any report from him.

Subsequently, Sri U. Vimal Babu, Regional Deputy Controller (Hqrs), Legal Metrology has issued orders vide proceedings No. 606/DC(P)/2019 Dated.02.07.2019 for dropping the action in case no 54/W&M/2019-20, dated 29.06.2019. This is irregular.

From the above and also further information obtained in the matter from the Controller of Legal Metrology, TS, Hyderabad, vide Lr.No.458/V/2020, dt.28.11.2020, it is revealed that Sri.U.VimalBabu Regional Deputy Controller, Legal Metrology, Hqrs, Hyderabad colluded with

the trader and favored to him by dropping the case. Instead of collecting of compounding fee as per norms of LM Act-2009, Sri.U.VimalBabu Regional Deputy Controller, Legal Metrology, Hqrs, Hyderabad dropped the case without any authority by using his official position.

The action of Sri.U.VimalBabu, Regional Deputy Controller, Legal Metrology, Hqrs, Hyderabad is un becoming of a Govt. servant and also amounts to grave misconduct which is clear violation under Rule 3 of T.S. Civil Service (Conduct)Rules, 1964 punishable under (CC&A) Rules.

Hence, the charge.

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ANNEXURE - III

List of documents by which the articles of charge framed against Sri U. Vimal Babu, Regional Deputy Controller, Legal Metrology, Hqrs Hyderabad are proposed to be sustained.

- (1) From the G.A.(V&E) Dept, V.R.No. No.109 (C.No.1482/V&E/D1/2019), dated.20-8-2020.
- (2) From the Controller of Legal Metrology T.S., Hyd, Lr.No.458/V/2020, dt.28.11.2020

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ANNEXURE - IV

List of witnesses by whom the articles of charge framed against Sri U. Vimal Babu, Regional Deputy Controller, Legal Metrology, Hqrs Hyderabad are proposed to be sustained.

1. The V&E Officials who have conducted the enquiry .
2. Sri R.G. Bhasker Reddy, the then Assistant Controller, Legal Metrology, (now Retd).
3. The then Deputy General Manager, IOCL, Hyderabad.

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